S.B. CRIMINAL MISC. BAIL APPLICATION NO.1752/2006
(Anna Ram Vs. State)

Date of order : 24.5.2006

HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr. Sandeep Mehta with
Mr. B.K. Vyas, for the applicant.
Mr. Ashok Upadhyay, Public Prosecutor.

I have heard learned counsel for the applicant as well as learned Public Prosecutor for the State and carefully gone through the impugned order.

It is contended by the learned counsel for the applicant that FIR was registered on the basis of the statement of injured. In the FIR, it was stated by injured that Anna Ram – the present applicant inflicted injury upon head with 'rod', thereafter, in the statement under Section 161 Cr.P.C., the same person upon whose statement the FIR was registered, stated that Anna Ram was armed with 'kulhari'. Further, as per the statement of Kishore Singh, Anna Ram was armed with 'barchi'. It is also contended by the learned counsel for the applicant that applicant has falsely been implicated in this case. The persons against whom the specific allegations were levelled are Dhanna Ram and Pabu Ram and police has not filed challan against them.

Learned Public Prosecutor opposed the bail and contended that in the FIR, there is mention that the present applicant was armed with 'rod' as well as

'barchi' and as per the medical report, there are incised wounds.

I have perused the FIR. In the FIR, injured has specifically mentioned that Anna Ram has inflicted injury upon his head with 'rod'. Thereafter, in the statement recorded under Section 161 Cr.P.C., he has stated that Anna Ram inflicted injury with 'kulhari'.

Taking into consideration the facts and circumstances of the case and without expressing any opinion, I think it just and proper to enlarge the accused-applicant on bail.

Accordingly, the application filed under Section 439 Cr.P.C. is allowed and it is directed that the applicant Anna Ram S/o Mangi Lal shall be released on bail (in FIR No.83/2006, P.S. Nokha, District Bikaner) provided he executes a personal bond in the sum of Rs.20,000/- and furnishes two sound and solvent sureties in the sum of Rs.10,000/- each to the satisfaction of the learned trial court for his appearance before that Court on each and every date of hearing and whenever called upon to do so, till the completion of trial.

(GOPAL KRISHAN VYAS), J.

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